

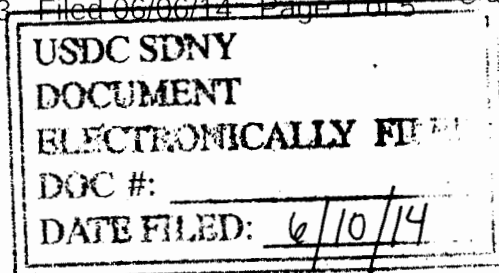
Schmidlin, S.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE METHYL TERTIARY BUTYL  
ETHER PRODUCTS LIABILITY  
LITIGATION

**This Document Relates to:**

*Orange County Water District v. Unocal  
Corporation, et al.,  
Case No. 04 Civ. 4968 (SAS)*



Master File No. 1:00-1898  
MDL 1358 (SAS), M21-88

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO STATIONS "SHELL  
#204359403," "USA GASOLINE #141," AND "SHELL #6502"**

This STIPULATION OF DISMISSAL WITH PREJUDICE is entered into on this 6th day of June 2014 by and between Plaintiff Orange County Water District ("OCWD") and Defendants USA Gasoline Corporation, now known as Moller Investment Group, Inc. ("USA Gasoline"), and Shell Oil Company, Equilon Enterprises LLC, and TMR Company (formerly known as Texaco Refining and Marketing Inc.) (USA Gasoline and Shell are referred to collectively herein as the "Defendants") (OCWD and Defendants are referred to collectively herein as the "Parties").

WHEREAS the Court ordered the Parties to select "focus plumes" for the purposes of full discovery;

WHEREAS the Court directed the Parties to further narrow the universe of focus plumes to a total of ten focus plumes to be used for trial;

WHEREAS OCWD identified the station located at 8471 Warner Avenue, Huntington Beach, California (referred to by OCWD as "Shell #204359403") as part of its designated Plume #1, and the stations located at 14600 Edwards Street, Westminster, California (referred to by

OCWD as "USA Gasoline 141") and 6502 Bolsa Avenue, Huntington Beach, California (referred to by OCWD as "Shell #6502"), as part of its designated Plume #9 (collectively, the "Stations");

WHEREAS the parties have completed all discovery related to the "focus plume" stations, including the Stations;

WHEREAS Defendants intend to move for summary judgment with regard to the Stations;

WHEREAS OCWD has agreed to eliminate the Stations from the focus plumes and drop all claims as to the Stations, rendering it unnecessary for Defendants to move for summary judgment with regard to the Stations;

WHEREAS the parties have agreed to bear their own costs and fees;

WHEREAS the Parties now respectfully request that the Court enter the following stipulation and order of dismissal:

THE PARTIES HEREBY STIPULATE AND AGREE that any and all claims of OCWD as to the Stations are hereby dismissed with prejudice as to all defendants in the case.

THE PARTIES FURTHER STIPULATE AND AGREE that the Court is hereby authorized and requested to execute and enter the Order of Dismissal, a copy of which is attached hereto, and to make all such orders and judgments which may be necessary and proper to dismiss the above-entitled action with regard to the Stations with prejudice.

SO STIPULATED.

Dated: 6/6/14

MILLER, AXLINE & SAWYER

By: 

Duane Miller

Michael Axline

*Attorneys for Plaintiff OCWD*

Dated: \_\_\_\_\_

MANATT, PHELPS & PHILLIPS, L.L.P.

By: \_\_\_\_\_

Peter Duchesneau

*Attorneys for Defendant USA Gasoline  
Corporation, now known as Moller Investment  
Group, Inc.*

Dated: 6/6/14

SEDGWICK LLP

By: 

Peter C. Condron

*Attorneys for Defendants Shell Oil Company,  
Equilon Enterprises LLC, and TMR Company  
(formerly known as Texaco Refining and  
Marketing Inc.)*

### CERTIFICATE OF SERVICE

I hereby certify that I have this \_\_\_\_\_, 2014, served by Lexis/Nexis File & Serve, a copy of the forgoing pleading on all parties of record.

\_\_\_\_\_  
(Name)

SO STIPULATED.

Dated: \_\_\_\_\_

MILLER, AXLINE & SAWYER

By: \_\_\_\_\_  
Duane Miller  
Michael Axline  
*Attorneys for Plaintiff OCWD*

Dated: 6/6/14

MANATT, PHELPS & PHILLIPS, L.L.P.

By: \_\_\_\_\_  
Peter Duchesneau

*Attorneys for Defendant USA Gasoline  
Corporation, now known as Moller Investment  
Group, Inc.*

Dated: 6/6/14

SEDGWICK LLP

By: \_\_\_\_\_  
Peter C. Condon

*Attorneys for Defendants Shell Oil Company,  
Equilon Enterprises LLC, and TMR Company  
(formerly known as Texaco Refining and  
Marketing Inc.)*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this June 6, 2014, served by Lexis/Nexis File & Serve, a copy of the forgoing pleading on all parties of record.

\_\_\_\_\_  
(Name)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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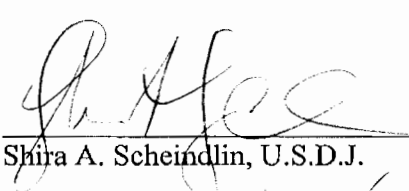
**[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE**

After having considered the foregoing Stipulation of Dismissal with Prejudice as to Stations "Shell #204359403," "USA Gasoline #141" and "Shell #6502," and for good cause shown, the Court hereby:

**ORDERS, ADJUDGES, AND DECREES** that all claims and demands of Plaintiff Orange County Water District against all defendants in the case with regard to stations located at 8471 Warner Avenue, Huntington Beach, California, 14600 Edwards Street, Westminster, California and 6502 Bolsa Avenue, Huntington Beach, California, are hereby **DISMISSED WITH PREJUDICE**. All parties to bear their own costs and fees.

**IT IS SO ORDERED.**

Dated: June 10, 2014

  
Shira A. Scheindlin, U.S.D.J. 6/10/14